United Nations CCPR/C/SR.2173

International Covenant on Civil and Political Rights

Distr.: General
20 April 2004

Original: English

Human Rights Committee
Eightieth session

Summary record of the 2173rd meeting
Held at Headquarters, New York, on Thursday, 18 March 2004, at 3 p.m.

Chairperson: Mr. Amor

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Any corrections to the record of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

04-27518 (E)

The meeting was called to order at 3.10 p.m.

Consideration of reports submitted by States parties under article 40 of the Covenant (*continued*)

Second periodic report of Suriname (CCPR/C/SUR/2003/2)

1. *At the invitation of the Chairperson, the delegation of Suriname took places at the Committee table.*

2. **Mr. Limon** (Suriname), introducing the State party's report, described the democratic institutions in Suriname and the setbacks to the full enjoyment of human rights under military regimes in the 1980s and the early 1990s. Despite reporting delays in the past that were largely attributable to the disruption of the rule of law by the military and paramilitary disturbances in the country's interior, Suriname was committed to complying with its reporting obligations and to guaranteeing fundamental rights and freedoms as well as economic, social and cultural rights to its people. Those rights were enshrined in its Constitution, adopted after the restoration of democracy in 1987, and the constitutional amendments of 1992, introduced following the restoration of the democratic civilian government for the second time. His country's prompt response to the questions submitted to it by the Committee in 2002 and the submission of its second periodic report in June 2003 demonstrated its serious commitment to timely compliance with its obligations in future.

3. **The Chairperson** invited the delegation to address the list of issues (CCPR/C/80/L/SUR).

Constitutional and legal framework (article 2 of the Covenant)

4. **Mr. Limon** (Suriname), referring to question 1 on the list of issues, said that the draft bill to establish a Constitutional Court was still before the National Assembly and that, in the interim, the national courts were competent to block the implementation of specific cases or legislative provisions that were contrary to the Constitution or international instruments to which Suriname was a party. The delegation was not aware of any particular obstacle to enactment of the draft bill and would urge the National Assembly to accelerate that process.

5. Turning to question 2 on the list of issues, he said that investigation of human rights violations under the military regime was a priority of the incumbent Government. The remains of the "December murders" victims had been exhumed with the assistance of experts from the Netherlands, and a number of suspects had been registered with the Office of the Attorney-General. Depositions had been taken in both Suriname and the Netherlands from suspects, witnesses and victims' family members, and a special investigative "Rogatoire Commissie", headed by the Investigating Judge, had visited the Netherlands several times to continue the investigation. The Government would indict the suspects as soon as the necessary evidence had been gathered.

6. The Office of the Attorney-General had appointed a senior prosecution officer to head the investigation into the 1986 massacre in the Maroon village of Moiwana. Unfortunately, a number of individuals who could have provided information had died. Others had moved to the Netherlands or France (French Guyana), or were unwilling to testify. Nevertheless the Government remained firmly committed to concluding the investigation. A number of other incidents which had occurred in the 1980s and seemed to be interrelated, including the murder of Police Inspector Gooding and the disappearances of Biko Sabajo et al., were under investigation by the Office of the Attorney-General. The State party would welcome any assistance the Committee and the international community could provide.

7. Referring to question 3 on the list of issues, he said that Dr. Baboeram had been one of the victims of the "December murders" currently under investigation. There had been no violations of the right to life since the demise of the military regime.

Gender equality and principle of non-discrimination (article 3 of the Covenant)

8. **Mr. Limon** (Suriname), referring to question 4 on the list of issues, said that the Ministry of Home Affairs had adopted a timebound General Gender Policy Programme (GGPP) to address a number of provisions of domestic legislation which discriminated against women. The Ministry of Home Affairs was working closely with non-governmental organizations (NGOs), international organizations, United Nations agencies and other ministries to remedy the situation.

A copy of its General Gender Policy Programme had been submitted to the Committee.

9. Referring to question 5 on the list of issues, he noted that the draft amendment to the Penal Code submitted in 1993 had since been withdrawn. In 2001, the Ministry of Home Affairs had appointed an interdepartmental committee to evaluate women's rights in government policy and social development in the context of the relevant international instruments, evaluate, and where necessary, revise gender-related legislation and propose amendments to discriminatory legislation.

Right to life and prevention of torture (articles 6 and 7 of the Covenant)

10. **Mr. Limon** (Suriname) referring to question 6 on the list of issues, said that the abolition of capital punishment would necessitate a broad discussion among several actors in the community, including religious leaders, NGOs, human rights organizations, political leaders, legislators and victims' organizations. Currently, opinion was divided, as some of those actors (Members of Parliament and religious leaders) were concerned about the rise in crime. For the time being, the Government did not contemplate either the de jure or de facto abolition of the death penalty.

11. Turning to question 7 on the list of issues, he said that no decision had as yet been taken on accession to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. Since November 1987, Suriname had been a party to the Inter-American Convention to Prevent and Punish Torture, which defined criteria were similar to those of the United Nations Convention. Therefore, the Government saw no immediate need to accede to the latter.

12. Referring to question 8 on the list of issues, he said that the investigation into the murder of Police Inspector Herman Gooding had been reopened in August 2002. Although depositions had been taken by the authorities, they faced several obstacles. Individuals were reluctant to give information, changed their testimony or simply claimed they could not recall the details of what had happened. Nonetheless, the Government was determined to continue its investigation.

13. Referring to question 9 on the list of issues, he said that there had been no suicides by children between the ages of 6 and 10 years. Under Surinamese legislation, physicians were required to report all suicides to the Office of the Attorney-General, whose records did not substantiate the claim that the main cause of death among girls between 6 and 14 years of age was suicide attributable to sexual abuse. NGOs and other institutions contacted by the State had no information regarding such occurrences. Any information the Committee possessed should be submitted to his Government urgently.

14. With regard to the ill-treatment of detainees (question 10), the Government, acting on the recommendations of a commission investigating conditions of detention, had instructed the police force that it must immediately investigate all accusations of ill-treatment, beatings or sexual abuse. As a result of the investigation, several police and correctional officers had been dismissed. Also, the police force itself had an internal investigatory unit which functioned impartially. Pursuant to the same commission's report, and in addition to the measures outlined in the second periodic report (paras. 153-155), a new multifunctional detention centre that should improve prison facilities significantly was being built, and 100 police officers had received training in the treatment of prisoners. The situation of detainees had improved considerably, and the Government was still working to meet the standards of the Covenant, a task in which it was ably assisted by non-governmental organizations.

15. A commission on sexual offences had been established to do research and propose legislation on the protection of women against domestic violence, marital rape, sexual harassment and the like (question 11). Also, the Ministry of Home Affairs had established a commission on gender-related legislation to review domestic laws with that perspective. Training sessions had been held for judges, attorneys and prosecutors and there had been several community meetings to discuss the proposed legislative reforms. Even in the absence of specific legislation on the matter, however, several of the offences in question could be prosecuted under provisions of the Criminal Code.

Prohibition of slavery and slavery-like practices (article 8 of the Covenant)

16. **Mr. Limon** (Suriname) said that a regional survey of several Caribbean States including Suriname,

had uncovered the phenomenon of trafficking in women in defiance of the provisions of the Criminal Code, which criminalized both trafficking (article 307) and prostitution (article 306). Pursuant to the recommendations of the special working group established by the Ministry of Justice and Police to combat trafficking in women and girls (question 13), the Government had swiftly taken corrective action in the form of stationing a police presence in certain establishments to ensure, in close collaboration with the Office of the Attorney-General, that women were not being sexually coerced in any way. In conjunction with non-governmental organizations, the Government was preparing pamphlets to inform such women of their rights and the available remedies, and generally to combat trafficking in human beings.

17. **Mr. Rivas Posada** welcomed the resumption of dialogue with Suriname after an unduly long delay. In order to discharge its function of monitoring the situation with regard to implementation of the Covenant in Member States the Committee needed specific information on legislation and guarantees and on practical outcomes and remedies for citizens. In that respect the Suriname report was disappointing, as it often merely cited anticipated future action. For instance, with regard to the constitutional and legal framework, the establishment of a Constitutional Court continued to be delayed, so there was no legal mechanism for determining whether laws were constitutional and citizens remained without that important remedy. With regard to the tragic Moiwana massacre in 1986, the Government had still not assessed responsibility nor had victims been compensated. Similarly, there seemed to have been no action on the Committee's recommendation regarding the Baboeram et al. case, which dated back to 1983. The answers with regard to question 4 on the list of issues were also not fully satisfactory. The gender-discriminatory provisions of the Acts cited remained in force and a draft amendment to the Penal Code that would have criminalized gender-based discrimination had apparently been withdrawn. With regard to article 8 of the Covenant and the prohibition of slavery and slavery-like practices, there still seemed to be no specific laws prohibiting the exploitation of prostitutes. Finally, he wished to raise a new issue, namely states of emergency in light of article 4 of the Covenant. It would appear that there were no time limits established in the Constitution for such contingencies, which posed serious risks to the protection of the rights of citizens.

18. **Mr. Solari-Yrigoyen** said that, while he welcomed the end of the long delay in the submission of the report, the report left many expectations and hopes unfulfilled. Although numerous investigative bodies had been established to deal with various human rights problems, few results or remedies had emerged. With regard to question 6 on the death penalty, for instance, there had apparently been many years of discussion but the Government was not even contemplating abolition, nor were there rigorous legal definitions of the crimes for which the death penalty could be imposed. On question 7 relating to accession to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, it seemed that the Government had decided against accession. He asked whether there had been any public discussion of the issue and whether the Government saw no value in the Convention. Referring to paragraph 148 of the report, he said that it was not sufficient to state simply that there had been no "registered cases" of torture. No society could truthfully claim that it had no problems of torture. He asked what the Government was doing to deal with the problem. He was also disappointed that the answer to question 8 on the murder of Police Inspector Gooding merely reproduced the question. He asked that the Government inform the Committee at least as to whether there was any relation between the murder of the Police Inspector and the 1986 Moiwana massacres. The answer to question 9 on suicides among young girls left much to be desired, with no mention of any measures taken. Question 10 on alleged beatings of detainees also remained essentially unanswered. The Committee needed more precise information about whether there had been cases of such beatings and what was being done to punish those responsible and prevent recurrence. On question 11 relating to the protection of women against violence, he noted that another committee had apparently been formed but no information concerning its conclusions or any new laws had been provided.

19. **Mr. Bhagwati** also found the answers rather brief and general and regretted that there was no discussion of the legal norms that prevailed in the country. The country had emerged from military rule in the early 1990s and had been a functioning democracy for some time and yet many rather simple legislative measures had not been enacted to deal with human rights problems that many countries faced — gender-based discrimination, for example. The report contained, unfortunately, rather little discussion of human rights

laws and the relevant implementation mechanisms, without which laws remained merely declarations on paper. He asked what remedies were available to citizens if they felt that their rights had been violated.

20. **Mr. Glèlè-Ahanhanzo** agreed with his colleagues that the report and the answers provided by the delegation were not fully satisfactory. With regard to questions 12 and 13 and the prohibition of slavery and slavery-like practices, he asked what the situation in Suriname was with regard to traffic in women, girls and children, what sanctions were provided and whether there was a sex industry in the country. He requested statistics on those matters. How prevalent was sexual harassment at the workplace and what penalties were imposed?

21. **Mr. Ando** said that the Committee wanted very much to establish a constructive dialogue with the Government of Suriname and help it resolve the human rights problems it faced. To that end the Committee needed to know as clearly and accurately as possible the actual situation in the country. He reviewed information that the Committee had received from various sources regarding the November 1986 Moiwana massacre and the killing of Police Inspector Gooding in 1990 and asked the Government to clarify as fully as possible how it understood those events and what it had decided to do in that regard. He requested the delegation to convey to the Government the Committee's grave concern with regard to those omissions and asked that the Government commit itself to responding within the shortest possible time.

22. **The Chairman** expressed his support for the return to dialogue with the Government of Suriname and said that he shared the Committee's concern about the lack of information that persisted concerning the situation in Suriname. The Committee needed to know in greater detail and with greater precision what measures had been taken to meet the requirements of the Covenant. Suriname was aware of the guidelines for reporting and of the Committee's concerns. The Committee awaited with great interest additional information within two to three days so that it could be taken into account when the Committee drafted its observations on the report.

23. *The meeting was suspended at 4.40 p.m. and resumed at 5.10 p.m.*

24. **Mr. Limon** (Suriname) acknowledged that his delegation's report and/or replies generally lacked substance. A number of annexes had been included with the report in an effort to complement the information it provided. He pointed out that a great deal of work was under way in various areas: commissions had been established and programmes launched. However most were still in their initial stages and only preliminary information was available. Every effort would be made to provide additional information and the results of those efforts would be communicated to the Committee.

25. Turning to the issue of the Moiwana massacre, he said that his Government deeply regretted those events and was committed to a full investigation. It was cooperating with the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights in that regard and would continue to work to shed light on that event and bring the guilty parties to justice.

26. His Government had undertaken actions in cooperation with other States and implemented domestic measures to combat trafficking in human beings. It continued to work with non-governmental organizations and other Governments to eliminate the practice and prevent the use of its territory for that purpose. As a result, Suriname had been removed from the list of States identified with human trafficking in the regional survey of the problem. He noted that article 307 of the Criminal Code made trafficking in women and under-age men a crime punishable by five years' imprisonment and article 306 of the Criminal Code made prostitution punishable by a fine and at least one year in prison.

27. A commission had been established to study the problem of domestic violence and its conclusions would be provided to the Committee. The commission had already made recommendations and a special unit had been created to deal with cases of domestic violence and all complaints were required to be registered. The final report of the commission on domestic violence would be provided to the Committee. He stressed that existing legislation criminalized domestic violence.

28. Turning to the question of the establishment of a constitutional court, he said that his delegation would urge Parliament to enact the relevant draft legislation in the near future. He pointed out, however, that the Constitution required that laws and the actions of individuals and the authorities be in conformity with

the Constitution and that individuals did have remedies under domestic law if they felt that their rights were violated. National courts could disregard legislation which they held to be in conflict with the Constitution or indeed with international instruments, which were considered to take precedence over domestic law.

29. With regard to allegations of ill-treatment of detainees, he said that in accordance with the recommendations of the commission established to investigate conditions in detention centres, the police had been ordered to investigate all accusations of ill-treatment made by detainees. As a result some correctional officers had been fired. A unit had also been established to investigate accusations against police officers. His Government was determined to ensure appropriate conduct on the part of police and correctional officers and all law-enforcement officials. The results of its efforts would be communicated to the Committee as soon as possible.

Treatment of prisoners and other detainees, liberty and security of the person, and right to a fair trial (articles 9, 10 and 14 of the Covenant)

30. In response to question 14 on the long delay (44 days) before a detainee had to be brought before a judge, he said that the police were usually expected to submit all documents to the Office of the Attorney-General within 5 days, after which the case was submitted to a judge or other judicial authority as soon as possible. Most cases were therefore brought before a judge in substantially fewer than 44 days. Furthermore, detainees were no longer kept in pre-trial detention for excessively long periods. Every detainee had the right to file a motion pursuant to article 54 (a) of the Code of Criminal Procedures for review of his case by a judicial authority, the "investigating judge". His Government wished to bring national legislation into conformity with international norms and the Office of the Attorney-General was working with the National Assembly to enact legislation which would have that effect.

31. Turning to question 15, he noted that while domestic legislation did not allow for incommunicado detention, in extreme situations the accused was not allowed to contact an attorney or examine evidence against him. A detainee could appeal that decision to the High Court of Justice (article 40 (3) of the Code of Criminal Procedures). On the other hand, he was always allowed contact with one or more immediate family members (article 40 (2) of the Code of Criminal Procedures).

32. The initial 14 days of detention could be extended by the prosecuting officer only if urgently required by the investigation and only for crimes listed in article 56 of the Code of Criminal Procedures. He recalled that the Office of the Attorney-General required that cases be prepared for trial as soon as possible and that detainees, pursuant to article 54 (a) of the Code of Criminal Procedures, had the right to file a petition with the investigating judge, who decided if the detention was in conformity with the law.

33. Turning to questions 16 and 17 on prison conditions and juvenile detainees, he pointed out that a special committee on prison conditions had been established and new prison facilities were planned; existing detention facilities were not considered to be overcrowded. Male juvenile detainees were housed separately from adults and had access to education, sports and other activities and to social workers. New prison facilities would likewise provide separate detention facilities for minors and adults. He noted there was only one under-age girl currently detained in the prison for women; she was housed separately from the adults and received special care from correctional officers.

Protection of children (article 24 of the Covenant)

34. **Mr. Limon** (Suriname) said, with regard to the educational system, especially in the interior of the country (question 18), that since almost 80 per cent of the schools there were run by different religious denominations, there was a need for a common, comprehensive government approach to improving the system. One innovative strategy developed by the Ministry of Education and Development together with the Ministry of Regional Development had been to introduce a "nucleus centre system" in a given geographical area, serving the surrounding villages and helping to upgrade the teachers and provide distance education in the mother-tongue of the different Maroon and indigenous communities.

Non-discrimination before the law and protection of national minorities (articles 26 and 27 of the Covenant)

35. **Mr. Limon** (Suriname) said that the Government was protecting indigenous rights to land and other resources (question 19) by according a privileged

status to the Maroon and indigenous Amerindian communities, who must be allowed to continue living on the lands they had occupied for centuries in an environmentally sustainable way and in accordance with their own cultures and customs. The juxtaposition of the different tribes in the interior, however, made it somewhat complicated to allocate the land. In addition, there were several other ethnic groups with their own cultures and customs in Suriname, and the Government had to take the development of the whole nation into account. A case regarding title to land was currently being heard by the Inter-American Commission on Human Rights, and the Government was open to constructive dialogue with the tribes themselves and with other institutions and non-governmental organizations.

36. Maroons and Amerindians had representatives both in Parliament and at the district and local levels, and thus participated in decisions that affected their lives. Under the Mining Act and other domestic laws, district officials must consult in advance with tribal chiefs about logging and mining concessions (question 20) and make recommendations to the Government on granting such concessions, which were never granted in the areas where Maroons and Amerindians were living. Every State had the right to use its natural resources for the good of the entire nation, provided it was done in conformity with international law and the special status of the citizens living in the areas concerned. No village had ever been relocated as a result of mining and logging activities (question 21), although some had been relocated in the 1960s to create an inland lake.

37. The University of Suriname, in cooperation with the National Institute for Environmental Development, was studying the effect that mercury run-off was having on the life, health and environment of the indigenous people in the interior (question 23), and Suriname, together with Guyana and French Guyana was participating in a regional project sponsored by Brazil and the Pan American Health Organization to monitor the effects of the use of mercury in small-scale gold mining in the interior. Efforts were being made to introduce alternatives to the use of mercury in mining.

38. There was no discrimination in Suriname with respect to employment, education, culture and way of life (question 22) of the Amerindian community. In the past, unfamiliarity with indigenous customs had bred minor incidents of racial discrimination, but that was no longer the case. The State was proud that it had such a variety of cultures, religions and ethnic groups, and its policy was to promote a harmonious cultural democracy for all the world to see. Equality of employment opportunities benefited all citizens. Amerindians, like all citizens, were employed in positions for which they were qualified, even as indigenous education was being upgraded.

Dissemination of information regarding the Covenant

39. **Mr. Limon** (Suriname) said, in answer to question 24, that the Government, in partnership with other Governments and non-governmental organizations, regularly offered human rights courses for judges, prosecutors, customs officials and lawyers. Human rights was part of the curriculum in the training of law-enforcement and correctional officers, and courses were offered at the high school level. Several non-governmental organizations had been successful in increasing awareness of the Optional Protocol procedure among Amerindians and Maroons.

The meeting rose at 6 p.m.

United Nations CCPR/C/SR.2174

International Covenant on Civil and Political Rights

Distr.: General
11 June 2004

Original: English

Human Rights Committee

Eighteenth session

Summary record of the first part (public)* of the 2174th meeting
Held at Headquarters, New York, on Friday, 19 March 2004, at 10 a.m.

Chairman: Mr. Amor

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Consideration of reports submitted by States parties under article 40 of the Covenant (*continued*)

***Second periodic report of Suriname* (*continued*)**

* The summary record of the second part (closed) of the meeting appears as document CCPR/C/SR.2174/Add.1.

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04-27690 (E)

The meeting was called to order at 10.05 a.m.

Consideration of reports submitted by States parties under article 40 of the Covenant (*continued*)

Second periodic report of Suriname (*continued*) (CCPR/C/SUR/2003/2)

1. At the invitation of the Chairperson, the delegation of Suriname took places at the Committee table.

2. **Mr. Rivas Posada** said that the issues raised in questions 14 and 15 were a cause for special concern. It was very positive that the State party had recognized the irregularity inherent in periods of pre-trial detention which far exceeded what was acceptable under the Covenant. Pre-trial detention should be as short as possible. It should be used only in exceptional cases, such as those in which the detainee might abscond. He acknowledged that detainees had legal recourse, but found it nevertheless very worrying that legislation permitting excessive periods of detention existed.

3. He would be interested to know whether the State party had drafted any legislation to amend the Code of Criminal Procedure in order to rectify the situation.

4. The State party had said that incommunicado detention was used only in exceptional circumstances or extreme cases. Under the system, a detainee could be denied access to legal counsel, which would jeopardize the person's right to a proper defence as provided for under the Covenant. He asked the State party to define circumstances that were considered so exceptional as to bar a detainee from access to legal counsel, and to explain the criteria used to define "extreme cases".

5. More information on prison conditions would also be welcome. The information provided on women and juveniles stated that non-compliance with the Covenant was due to a lack of resources. He thought it would be useful to learn what effort had been made to improve the situation, and what guarantees existed concerning the separation of male and female and juvenile detainees.

6. Returning to a question relating to article 4 of the Covenant, he said that legislation existed providing for the suspension of constitutional rights and guarantees during a state of emergency, but no information had been provided on either the possible duration of the state of emergency or on the specific rights that might be affected. He noted that the State party had had no cause in recent years to take such measures. However, the very existence of such legislation was cause for concern. It seemed like an open door for an indefinite state of emergency. He therefore requested more precise information on the scope of the laws and the time frames envisaged.

7. **Mr. Solari Yrigoyen** asked for more information regarding the court that was dealing with the Moiwaba Massacre case, including its name and its location.

8. Turning to question 17, he cited paragraph 284 of the report to the effect that minors between 16 and 18 years of age were being detained with common criminals in the Santa Boma penitentiary complex. He requested more information as to the nature of the contacts between the two classes of detainees, and whether they were held in the same jails. The report had mentioned only one female minor. He would be interested to know whether she was the only female minor, whether she was held separately from the other detainees and how, generally, adults and juveniles were separated. The Government had indicated its intention to build more jails. He would be interested to know how many facilities were planned, how many had been approved and how many were under construction.

9. Turning to question 18, which dealt with improvements in the national system of education, he said the report indicated that education in the interior of the country had suffered during recent years for various reasons, including a lack of teachers or housing for them and the risk of malaria. Paragraph 290 also mentioned the language barrier as being a major obstacle. He would be particularly interested to know what steps were being taken to deal with such problems. One measure mentioned in the report was the plan for so-called nucleus centres, which were educational centres that would be set up in geographically determined areas, to serve surrounding villages. He requested information about how many were planned and where they would be located, and asked whether the Government believed that, in reality, they offered an immediate solution to the problem. He would also welcome clarification of an apparent contradiction in the report, which indicated that almost all the obstacles in the area of secondary education had been overcome, while education at the primary level was still much in need of improvement. In his opinion,

it would have been more logical to focus first on improving primary education, and then to deal with the problems at the higher level.

10. **Mr. Glélé Ahanhanzo** asked the delegation to review the population statistics given in paragraph 5 of the report: they appeared contradictory and lacking in precision.

11. He endorsed by Mr. Solari Yrigoyen's questions regarding education, and added a request for statistics showing how many indigenous and maroon children were educated in the nucleus centres. He requested further statistics indicating the access to education by indigenous and maroon children, at all levels, including university and training programmes.

12. Paragraph 300 of the report of the State party referred to a report by a special commission on gender-based discrimination which was being discussed at the cabinet level; he requested information on the report's findings.

13. The State party had said that it promoted cultural democracy. However, according to information received by the Committee, indigenous and maroon peoples had very little say in matters regarding land and natural resources, and their culture and traditions. He requested clarification on that issue, as well as more information on the nature and status of the lawsuit filed by the Saramaca Lo communities.

14. **Ms. Chanet** said that, in 2002, the Committee had been obliged to consider the issues without the benefit of a report. In spite of the goodwill shown by the State party, there had been many difficulties and many points had been withheld. It had been an unprecedented case, which had allowed the Committee to set rules on the consideration of reports. The report currently under consideration might not be perfect, but the State party's efforts to produce a document on time and in conformity with the guidelines of the Committee were highly commendable.

15. She wished to return to the issue of custody and pre-trial detention. The delegation had, it was true, acknowledged that the period of 44 days was too long and not in conformity with the Covenant. What worried her particularly, however, was the role of the Public Prosecutor, who played an active part in both the decision to prolong detention and the decision to place the detainee in incommunicado detention. Such decisions were approved, extended or overturned by an examining magistrate. She would be interested to know the status of that official. If he was independent, then a phrase of paragraph 180 of the report called that independence into question. In connection with the examining magistrate's power to release a detainee under article 54 of the Code of Criminal Procedure, the paragraph's reference to "the creation of a structure between the Public Prosecutions Department and the Office of the Examining Magistrates" in order to guard against the misuse of that article was most disturbing. The paragraph contradicted the written reply to question 14 according to which the State would bring the national legislation into conformity with international norms and law. She emphasized that the practice cited in paragraph 180 did not conform to the norms of international law.

16. She requested detailed information on the crimes that allowed for detention to be prolonged from 14 to 30 days, under article 56 of the Code of Criminal Procedure. The information could be submitted in writing to allow the delegation time to obtain it.

17. **Mr. Ando** said that the whole purpose of the dialogue was to find out whether there were human rights problems and, if so, to consider together how to overcome them. Paragraph 250 of the report referred to the "misuse of the right to strike" and called the "no work no pay principle" the cornerstone of national labour law. According to the International Labour Organization (ILO), the Labour Act of 1992 was applicable to all parts of the country, including the export processing zones. ILO had suggested that there was a need to repeal the export-processing zone amendment, which prohibited workers in those zones from striking. He would like to know whether the amendment had been repealed and what the Government's policy was on strikes by export-processing zone workers.

The meeting was suspended at 10.50 a.m. and resumed at 11.15 a.m.

18. **The Chairperson** invited the delegation to respond to the Committee's further questions.

19. **Mr. Limon** (Suriname) said, with regard to the questions on cultural democracy, that Suriname was a highly diverse multi-ethnic society. That fact was reflected in the unusual variety of national holidays in Suriname. The Government had tried to blend all elements of the cultural tapestry, so that all could prosper, and to raise awareness of the value of

diversity, and the different ethnic groups had embraced that cultural awareness. Suriname was proud of its accomplishments in that regard, although the goal was not yet fully achieved.

20. With regard to discriminatory labour legislation, he was not aware of wage disparities between men and women, but the delegation would check further with the Ministry of Labour on that point and also concerning the repeal of the export-processing amendment. In general, the Constitution guaranteed the right to strike but not the right to be paid while striking.

21. With regard to the questions on family planning, sex education and HIV/AIDS, Suriname was fortunate to have a number of non-governmental organizations, well known in the region, that had been working with the Government in those areas for many years, among them the Lobi Foundation, which dealt primarily with family planning. The National Aids Programme was engaged in raising AIDS awareness with the support of the World Health Organization and the Pan-American Health Organization. There were organizations in Suriname that worked with the families of victims of AIDS. If the Committee wished more information, his delegation could talk to the organizations concerned.

22. On the question of the 44 days of pre-trial detention, his delegation wished to consult with the Ministry of Justice before giving an answer. Any questions that the delegation could not answer at the present meeting would be addressed subsequently in writing.

23. **Mr. Rudge** (Suriname) said that what was referred to as incommunicado detention was not truly incommunicado; it was not tantamount to a disappearance. The individual concerned was able to be in contact with family members, or with the embassy in the case of an alien. A detainee might be denied access to an attorney for a certain time in the case of certain heinous crimes if there was a risk that evidence would be destroyed. The procedure to be followed was set forth in article 40 of the Code of Criminal Procedure, and the decision of the Office of the Attorney General could be appealed immediately to the High Court of Justice. It was true that there was a backlog of appeals to the High Court of Justice; if the delay was too long, however, a complaint could be filed before a special judge who could make summary judgement on the period of detention. Suriname realized that there were some defects in its legal system, but with the Committee's help it would work to correct the problems in order to offer its citizens greater access to rights and opportunities.

24. It had been asked whether under a state of emergency the Constitution would permit indefinite pre-trial detention. That question would require further research. There was no provision for bail, because Suriname had a civil-law system, not a common-law system. When a person was arrested, the individual could immediately apply to an examining magistrate to review the legality of the detention, and if the detention were prolonged, the detainee could make repeated applications.

25. With regard to prison conditions, the Santa Boma detention centre was a complex with separate facilities for women, for men and currently for boys. There had been a facility for boys in a different location away from the complex, but there were too few boys in that facility to make it feasible to maintain. In fact, the policy was not to sentence under-age boys and girls to prison if at all possible, but to place them in special juvenile centres. In the women's prison there was only one girl, who had committed murder, and she was held separately from the other inmates.

26. Additional information concerning education in the interior regions was contained in the annexes.

27. **Ms. Waterval** (Suriname) said that she wished to provide the Committee with additional information on the Moiwana and Saramaca Lo cases. The Moiwana case was currently before the Inter-American Court of Human Rights and the Surinamese Government was awaiting the Court's response to its written submissions. Suriname had also appointed an agent, a sub-agent and an ad hoc judge to deal with the case.

28. The Saramaca Lo case had been referred to the Inter-American Commission on Human Rights but had not yet been declared admissible. Since the Surinamese Government had been unable to attend a hearing scheduled for 5 March 2004, the case would be heard at the next regular session of the Commission in October. The State had also initiated negotiations with a view to an out-of-court settlement. The case itself dealt, inter alia, with the question of consulting indigenous and maroon peoples before granting concessions to third parties in the interior of Suriname. The Forestry Act did provide for the holding of such consultations; in that connection, she drew attention to

the annex to the report, which contained a number of letters from tribal chiefs granting third parties permission to carry out exploratory work within their territories.

29. She emphasized that racial discrimination did not exist in Suriname: the country's ethnic groups had lived together in harmony for many centuries and wished to continue doing so. However, problems sometimes arose when foreign consultants encouraged indigenous groups to act in ways that had a negative impact on the country as a whole. It was important to exercise caution when passing judgement on the way in which the Government dealt with the indigenous population, as the situation was extremely complex and involved many different ethnic groups.

30. **Mr. Rudge** (Suriname) said that Ms. Chanet's questions on custody and pre-trial detention would be addressed in Suriname's supplementary written replies. He said that the offences listed in article 56 of the Code of Criminal Procedure, contained in the annex to the report, carried penalties of imprisonment in excess of three years. The provisions of that article were intended to provide the Surinamese authorities with a way of keeping persons accused of specific, serious offences and who were not domiciled in Suriname within the jurisdiction of the State.

31. **Sir Nigel Rodley**, referring to question 15 on the list of issues, said that, pursuant to current international law, incommunicado detention *stricto sensu* meant detention without any access whatsoever to the outside world. He would like confirmation from the delegation that that kind of detention did not exist in Suriname. With reference to paragraph 167 of the report, he asked whether suspects who were denied access to a lawyer were exempt from interrogation. If that was the case, he would like to know what the implications of that situation were.

32. **Mr. Bhagwati** said that he understood from paragraph 177 of the report that suspects in police custody were entitled to apply to the examining magistrate for pre-trial release. He would like to know how many such requests had been granted. In addition, he enquired as to the existence of any procedure to ensure that accused persons were brought promptly before the examining magistrate, as stipulated in article 9 of the Covenant.

33. **Mr. Solari Yrigoyen** said he would welcome a reply to question 18.

34. **Mr. Limon** (Suriname) reiterated that it might not be possible to provide full answers to all the Committee's oral questions on the spot. In certain cases, it would be necessary to obtain specific information from relevant national experts and agencies. However, he intended to submit, that afternoon, a written document giving an overview of progress made on the issues raised by the Committee and the difficulties encountered in that respect.

35. **The Chairperson** said that he had taken note of the efforts made by the representatives of Suriname to reply to the questions posed. However, he wished to make two remarks: first, the main focus of the Committee's work during its sessions was the relevant State party's report, which must be prepared in accordance with the guidelines on the form and content of reports and contain information about the implementation of the Covenant at the national level. With particular reference to paragraph D.3.1 of the guidelines, he said that reports could be supplemented by annexes, but stressed that the report must be clear and comprehensible without reference to those annexes. Secondly, the discussion with the representatives of the State party was not intended to be a formal exercise. Its purpose was to enable the Committee to carry out its work and foster mutual understanding between the parties. The State party was permitted to submit, within a reasonable time frame (usually three working days), additional information to supplement its oral replies, but the submission of such information should not be a replacement for meaningful debate.

The public part of the meeting rose at 12.10 p.m.